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FILED  
DISTRICT COURT  
MAR 16 P 3:03  
JW

Attorneys for the United States of America

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IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH,  
CENTRAL DIVISION

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UNITED STATES OF AMERICA, ex rel. JASON  
R. ELLSWORTH, and JASON ELLSWORTH,  
individually, and R. GRANT SMITH, individually,

Plaintiff,

vs.

UNITED BUSINESS BROKERS OF UTAH, LLC,  
UNITED MERGERS AND ACQUISITIONS, LLC,  
UNITED MERGERS AND ACQUISITIONS  
CONSULTANTS, INC., UNITED BUSINESS  
BROKERS, INC., UNITED BUSINESS CAPITAL,  
LLC, GRANTSVILLE REAL ESTATE, LLC, BIG  
SHOT RANCH, LLC, UTAH HOUSEBOATS,  
LLC, MICHAEL S. DRURY, TOM MAHER, and  
REBECA PHILLIPS,

Defendants,

Case No. 2:09-cv-00353

UNITED STATES' NOTICE  
OF DECLINATION

UNDER SEAL

Judge DALE A. KIMBALL

**SEALED**

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**THE GOVERNMENT'S NOTICE OF ELECTION TO  
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." Id. Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date.

Finally, the United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted this 16<sup>th</sup> day of March, 2010.

CARLIE CHRISTENSEN  
Acting United States Attorney  
District of Utah

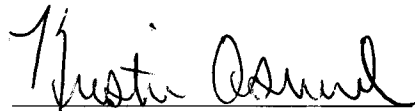
  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of March, 2010 the foregoing **United States'** Notice of Election to Decline Intervention was served via first-class mail, postage prepaid, upon:

Justin D. Heidman  
Travis Larsen  
ASCIONE, HEIDEMAN & McKAY L.L.C  
2696 North University Avenue, Suite #180  
Provo, Utah 84604

A handwritten signature in black ink, appearing to read "Kristine Osmond", written over a horizontal line.

Kristine Osmond  
Legal Assistant to AUSA Eric A. Overby  
United State Attorney's Office